

Practitioner's Docket No. 100745.0015PCT

CHAPTER II

IN THE UNITED STATES INTERNATIONAL PRELIMINARY EXAMINATION
AUTHORITY
(IPEA/US)PCT/US02/1011701 April 2002 (1.04.02)International Application No.International Filing DatePriority ClaimedBranched Spike Bird DeterrentTitle of InventionBird-B-Gone, Inc.Applicant(s)

Mail Stop PCT - Legal Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF SEARCH FEE


The National Stage filing fee in the amount of \$365.00 was submitted for payment by Deposit Account No. 502191 on September 22, 2004. The International Preliminary Examination Report was issued on March 25, 2005, with all claims allowed. Had the International Preliminary Examination Report been issued prior to the October 1, 2004 deadline for filing national phase, the filing fee would have been \$50.00 (small entity) rather than \$365.00 paid, pursuant to 37 CFR §1.492(a)(4).

It is requested that the search fee overpayment in the amount of \$315.00 be refunded to applicant. Please make refund by crediting Deposit Account No. 502191.

It is also requested that the US national stage application number 10/508804 be taken up out of order pursuant to 37 CFR §1.496.

Date: 3/30/05

Reg. No.: 33880
Tel. No.: 714-641-5100
Customer No.: 34284


Signature of Practitioner
Robert D. Fish
Rutan & Tucker
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92626
US

RECEIVED


30 MAR 2005

Legal Staff
International Division

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the PCT Legal Office at (571) 273-0459 on the date shown below.

Date: 3/30/05


Barbara Hayashi

RUTAN & TUCKER LLP

Attorneys at Law

611 Anton Boulevard, 14th Floor

Costa Mesa California 92626-1998

Mailing Address: Post Office Box 1950, Costa Mesa, California 92628-1950

Telephone: 714.641.5100

Facsimile 714.546.9035

FACSIMILE TRANSMISSIONDATE: **MARCH 30, 2005**

TO:

Hard Copy to Follow via Mail: **NO**

NAME	FAX NO.	PHONE NO.
PCT Legal Office	571-273-0459	

FROM: **Barbara M. Hayashi**

RE:

OUR REF: 100745.0015US	NUMBER OF PAGES, INCLUDING COVER: 2
10/508804	
BRANCHED SPIKE BIRD DETERRENT	
BIRD-B-GONE - BRUCE DONOHO	

MESSAGE:

Attached: Request for Refund of Search Fee.**RECEIVED**

30 MAR 2005

Legal Staff
International Division

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

If there are problems receiving this Fax Transmittal please call 714 641.5100, Ext. 1235.

*** RX REPORT ***

RECEPTION OK

TX/RX NO	8228
RECIPIENT ADDRESS	202 737 3528
DESTINATION ID	
ST. TIME	03/30 16:11
TIME USE	00'19
PGS.	2
RESULT	OK